

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-10619 RCL

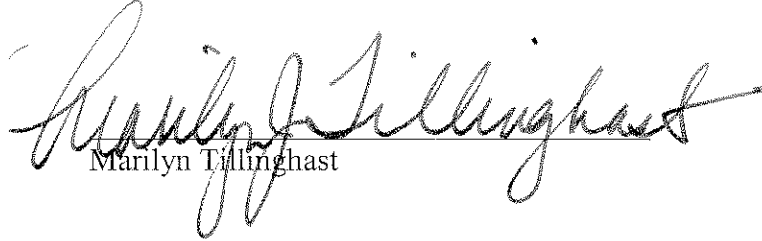
|                        |   |                     |
|------------------------|---|---------------------|
| JAMES R. MENARD,       | ) |                     |
| Plaintiff              | ) |                     |
|                        | ) |                     |
| vs.                    | ) | AFFIDAVIT OF        |
|                        | ) | MARILYN TILLINGHAST |
| C&S WHOLESALE GROCERS, | ) |                     |
| INC., et al.,          | ) |                     |
| Defendants             | ) |                     |

I, Marilyn Tillinghast, do depose and state as follows:

1. I live at 34 Lower Cassidy Road, Putney, Vermont. Since September 1997, my home on 34 Lower Cassidy Road has been my primary residence. Presently, and as of February 2004, I have and had no intention of moving from my home on Lower Cassidy Road, Putney, Vermont.
2. Since June 1995, I have been employed at C&S Wholesale Grocers, Inc. in Brattleboro, Vermont. My office is located in Brattleboro, Vermont.
3. I am registered to vote in the State of Vermont.
4. I have a Vermont driver's license.
5. My savings and checking accounts are in a Vermont bank.
6. In 2004, I filed personal income taxes in the State of Vermont.
7. I own a second home in Orleans, Massachusetts. During the time period of May 2003 to the present, I have spent a grand total of approximately two weeks in Orleans, Massachusetts.
8. I am not registered to vote in the Commonwealth of Massachusetts.

9. I do not have a driver's license from the Commonwealth of Massachusetts.

Signed under the penalties of perjury this 12<sup>th</sup> day of May, 2004.

  
Marilyn Tillinghast

STATE OF VERMONT

Windham County, ss.

may 12, 2004

On the 12<sup>th</sup> day of may, 2004, Marilyn Tillinghast personally appeared before me and acknowledged the foregoing instrument to be her free act and deed.

  
Notary Public  
My Commission Expires: 2/10/2007